

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CAMILIA T. TERRY, *et al.*,

Plaintiffs,

Case No. 3:24-cv-176

vs.

MARK FOREMAN, *et al.*,

Defendants.

District Judge Michael J. Newman
Magistrate Judge Stephanie K. Bowman

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. No. 13); (2) DENYING PLAINTIFF CAMILIA T. TERRY'S MOTION SEEKING CLASS CERTIFICATION (Doc. No. 3); (3) DISMISSING ALL OF PLAINTIFF'S CLAIMS FOR RELIEF IN THE AMENDED COMPLAINT (Doc. No. 7); (4) SPECIFYING THAT ALL CLAIMS BASED ON CONDUCT THAT ALLEGEDLY OCCURRED PRIOR TO JUNE 17, 2022, AND ALL CLAIMS SET FORTH IN PARAGRAPHS 69 THROUGH 72 OF THE AMENDED COMPLAINT, ARE DISMISSED WITH PREJUDICE AND ALL OTHER CLAIMS ARE DISMISSED WITHOUT PREJUDICE; (5) GRANTING INTERESTED PARTY STATE OF OHIO'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Doc. No. 11); (6) CERTIFYING THAT ANY APPEAL WOULD NOT BE TAKEN IN GOOD FAITH AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (7) TERMINATING THIS CASE ON THE DOCKET

The Court has reviewed the Report and Recommendation of Magistrate Judge Stephanie K. Bowman (Doc. No. 13), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Upon careful review of the foregoing, and construing Plaintiff Camilia T. Terry's *pro se* allegations in her favor¹, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. No. 13) in its entirety; (2) **DENIES** Plaintiff's motion seeking class

¹ As with all *pro se* litigants, Terry's documents and allegations are liberally construed in her favor. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*).

certification (Doc. No. 3); (3) **DISMISSES** all of Plaintiff Terry's claims for relief in the amended complaint (Doc. No. 7); (4) **SPECIFIES** that all claims based on conduct that allegedly occurred prior to June 17, 2022, and all claims set forth in paragraphs 69 through 72 of the amended complaint, are **DISMISSED WITH PREJUDICE** and all other claims are **DISMISSED WITHOUT PREJUDICE**; (5) **GRANTS** Interested Party State of Ohio's motion to dismiss for failure to state a claim (Doc. No. 11); (6) **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith, and finds that Plaintiff should be denied *in forma pauperis* status on appeal; and (7) **TERMINATES** this case on the Court's docket.

IT IS SO ORDERED.

March 11, 2025

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge